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TC 3800

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San Francisco, CA 94111-4187

In re Application of :
Richard N. Savage, et al. :
Application No. 09/767,659 :
Filed: January 22, 2001 :
For: SEMICONDUCTOR WAFER PROCESSING :
SYSTEM WITH VERTICALLY STACKED :
PROCESS CHAMBERS AND SINGLE :
AXIS DUAL WAFER TRANSFER :
SYSTEM :

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply applicants' Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on October 6, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated December 31, 2002 and a Notice to that effect was mailed on September 4, 2003.

Petitioner states that a Request for Continued Examination (RCE) and an extension of time were filed as a response to the above noted Office action on April 29, 2003 and deposited with the U.S. Postal Service on that date. The copy of the response submitted with the petition includes a Certificate of Mailing dated April 29, 2003 and an OIPE stamped post card receipt dated May 6, 2003.

Because the date shown on the post card receipt (May 6, 2003) is after the period for response set in the Office action plus the extension of time this decision will be based upon the Certificate of Mailing.

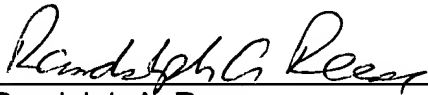
Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original

response on the date indicated on the certificate. This statement should be signed by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

A handwritten signature in cursive script, reading "Randolph A. Reese", is written over a horizontal line.

Randolph A. Reese
Special Programs Examiner
Patent Technology Center 3600
(703) 308-2121

RAR/cps: 5/12/04